

**REMARKS**

Claims 21-39 are pending in this application. By this Amendment, claims 1-20 are canceled without prejudice or disclaimer and new claims 21-39 are added.

The Office Action rejects claims 1, 2, 4, 6-10 and 17-20 under 35 U.S.C. §102(e) by U.S. Patent 6,622,015 to Himmel et al. (hereafter "Himmel"). The Office Action also rejects claim 3 under 35 U.S.C. §103(a) over Himmel. Furthermore, the Office Action rejects claims 5 and 11-16 under 35 U.S.C. §103(a) over Himmel in view of U.S. Patent 5,630,205 to Ekelund. The presently pending claims are patentable over the applied references.

Independent claim 21 recites providing a stored compressed data file list to allow the receiver to select a compressed digital data file to be transmitted, combining the inputted receiver information and recognition data that can recognize the selected compressed digital data file and transmitting the information to a receiver terminal. Independent claim 21 further recites determining a transmission path of the selected compressed data file according to a state of the receiver terminal.

Ekelund does not teach or suggest these features of independent claim 21. That is, Ekelund does not teach or suggest inputting information on a receiver, providing a stored compressed data file list to allow the receiver to select a compressed digital data file, combining the inputted receiver information and recognition data and transmitting the information to a receiver terminal and determining a transmission path of the selected compressed data file according to a state of the receiver terminal.

For at least the reasons set forth above, independent claim 21 defines patentable subject matter. Independent claim 30 defines patentable subject matter for at least similar reasons.

Furthermore, independent claim 27 also defines patentable subject matter by reciting that a controller includes a data discriminating function to discriminate whether the digital data received by the wireless transmitting/receiving unit includes recognition data of the compressed digital data. Ekelund does not teach or suggest these features. That is, Ekelund does not include a data discriminating function to discriminate whether recognition data is included. Accordingly, independent claim 27 defines patentable subject matter. Independent claim 37 defines patentable subject matter for at least similar reasons by reciting the controller to determine whether received digital data includes recognition data to recognize a compressed data file.

### **CONCLUSION**

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 21-39 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **David C. Oren**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this,

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concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and  
please credit any excess fees to such deposit account.

Respectfully submitted,  
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